IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4619 OF 2005

Sunil Fargade & Ors. ...Applicants
Vs.
The State of Maharashtra ...Respondent

Shri. Rajeev Patil for the Applicants.
Shri. K.V. Saste, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JULY 21, 2005.

P.C.:

1. Heard Shri. Patil appearing for the Applicants and the learned A.P.P. for the State. The Applicant No.14 is original accused No.6. The Applicant No.6 was enlarged on bail. As he remained absent, bail bond has been ordered to be cancelled. The warrant was executed against the Applicant No.14 and he was produced before the learned Trial Judge. The Application dated 4th July, 2005 made by the Applicant No.14 for grant of bail has not been entertained by the learned Trial Judge on the ground that forfeited amount of the bond has not been deposited.

2. The Applicant NO.14 did not attend the Court on 1st July, 2005 and Application for exemption made by the said Appliant was rejected. In my view, the Applicant deserves to be enlarged on bail. Reasonable time will have to be granted to the Applicant No.14 to deposit the sum of Rs.10,000/- which is the amount of bond under which he was earlier enlarged on bail.

Against the rest of the Applicants warrant has been ordered to be issued which is made returnable on 22nd July, 2005. The learned Counsel for the Applicant stated that the said Applicant Nos.1 to 13 will remain present before the Trial Court tomorrow and will apply for appropriate relief. To enable the Applicants to obtain suitable orders for cancellation of warrants and other reliefs from the Trial Court, the warrant issued against the said Applicants will have to be stayed for a reasonable time. Hence, Application is disposed of by passing the following order:

: O R D E R :

i) The Applicant NO.14 shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- with one or two sureties in the like amount. Time of eight weeks is granted to the Applicant No.14 to deposit the sum of Rs.10,000/- being the amount of the bond which is forfeited.

ii) If the Applicant Nos.1 to 13 personally appear before the learned Trial Judge on 22nd July, 2005 and apply for appropriate relief before the learned Trial Judge, the warrant issued agianst the said Applicants shall not be executed for a period of two weeks from today to enable the learned Trial Judge to pass

appropriate order on the Application which may be made by the said Applicants. It is made clear that the said Applicants will be entitled to the said limited protection only if they appear tomorrow before the learned Trial Judge and take out Application for appropriate relief. On the failure of any of the Applicants to remain present before the learned Trial Judge, the limited protection will not apply.

iii) Application is disposed of in above terms.

iv) Office to issue writ forthwith.

v) Parties to act upon an authenticated copy of this order.

JUDGE